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ABSTRACT

A major component of the legislative function of the Board of Governors (BOG) of the California Community Colleges (CCC), as mandated in Assembly Bill 1725, is the adoption of an annual state and federal legislative program. This program formalizes the legislative thrust of the BOG and is intended to set forth systematic legislative and budgetary priorities developed as a result of consultation with districts, statewide organizations, and other interested parties. In developing the 1993 legislative program, the officers of the BOG met with officers of the CCC Trustees association to discuss legislative priorities and then carried out an extensive consultation and review process. The resulting 1993 legislative program includes state and federal initiatives. State-level initiatives, grouped by functional areas of college mission, access, governance, fiscal policy, and educational quality, include the following: (1) designate the community colleges as the state's primary delivery system for work force training and retraining; (2) rescind the differential fee for students holding baccalaureate or higher degrees; (3) reduce the total number of state mandates the system is required to address; and (4) exempt community colleges from payment of state and local taxes. The federal initiatives contained in the legislative program include seeking technical amendments to Title 4 of the Higher Education Act to protect Pell grant eligibility for low-income community college students, and supporting efforts to identify a community college staff specialist in the post-secondary education unit of the Department of Education. (PAA)

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State and Federal Legislative Programs

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Background

Since its inception, the Board of Governors has had a specific responsibility to represent the needs of the community colleges in both federal and state policy arenas. Major community college reform legislation, AB 1725 (Chapter 973, Statutes of 1988), defines this duty as requiring the Board of Governors to "... provide representation, advocacy, and accountability for the California community colleges before state and national legislative and executive agencies." The Board carries out this responsibility through the combined efforts of the districts and colleges, the Board legislative committee, the Chancellor, the vice chancellor for Governmental Relations, other staff, and various statewide community college organizations.

A major component of the legislative function of the Board is the adoption of an annual state and federal legislative program. This program formalizes the legislative thrust of the Board and is intended to set forth systemwide legislative and budgetary priorities developed as a result of consultation among the Board, districts, statewide organizations, and other interested parties.

AB 1725 also formalized the consultation activity of the Board by indicating that the "... Board of Governors shall establish and carry out a process for consultation with institutional representatives of community college districts, so as to insure their participation in the development and review of policy proposals." The Board, in turn, adopted a policy on consultation and issued *Standing Orders* to the Chancellor, authorizing him to establish a consultation structure that includes seven standing councils representing the major constituencies of the colleges. The annual development of the legislative program has incorporated this process to assure input and comments on the adopted program.

During the development of the 1992 state and federal legislative program, a concerted effort was made to obtain consultation on the draft document through distribution of the draft to local boards of trustees, requesting their review and endorsement. While the proposed policy received several endorsements from districts, a concern was raised during the process about the need for providing an opportunity for input prior to development of the draft document. In order to address that need, and to provide greater clarity to the process for the development of the annual legislative program, a revised process was developed for the 1993 legislative program.

As the first step in the development of the 1993 legislative program, the officers of the Board met with officers of the California Community College Trustees association

(CCCT) to discuss legislative priorities and review a proposed process. This was closely followed by additional discussion of the process with several consultation councils, resulting in an endorsement of the process by the Board at its September meeting. The process includes timely submission of proposals by district personnel and others, guidelines that the proposals must meet in order to be considered for inclusion, and a timeline that allows for significant involvement from all parties before final adoption by the Board. Adhering to this process, the Board's legislative committee and the full Board of Governors reviewed a draft legislative program during the November meeting, at which time several suggestions for revision were made. Following that review, additional consultation was held with the field and organizations, and the document was subsequently revised to incorporate advice received from the Board and other sources.

Program

The community colleges, like other segments of public higher education, are buffeted between the forces of population growth and diminished state resources. The effort to deal with these concerns has resulted in state-mandated student fee increases and expectations of further efficiency measures in an effort to maintain quality within the demand for increased access. While the specific roles of the public segments as outlined in the *Master Plan for California Higher Education* have not been seriously challenged, questions have been raised as to how long California can maintain its fiscal commitment to provide low-cost higher education to all its eligible citizens, as envisioned by the master plan and state law. There is increasing recognition of the subtle and inadvertent changes likely to affect the master plan expectations as a new fee structure takes effect in January 1993.

This legislative program is being proposed with the assumption that the master plan has served California well and should be maintained as it exists in current statute. Further, that within that context, the California Community Colleges will continue to play the critical role of the primary access route to higher education for most Californians; and that the responsibility of the colleges for providing high quality transfer and career education, along with mastery of basic skills and English as a second language, will remain undiminished. The Board of Governors has articulated this vision within its *Basic Agenda*, which sets policy directions and priorities for the nineties. The legislative program follows the organization of that document.

State Initiatives

Mission

While the basic mission of the community colleges should remain unchanged, it is important to clarify and reinforce certain aspects of that mission.

The community colleges play a critical and increasing role in providing work force training needed for California's economic development. Through both state and federal programs, community colleges have accepted a leading role in employment training, skills upgrading, and encouraging technology transfer. Clarification of the community college role in the following areas should be sought:

- The community colleges should be designated as the state's primary delivery system for work force training and retraining.

A major component of the community college responsibility for work force training is the utilization of funds made available through the Vocational and Applied Technology Education Act (VATEA). Although participation in community college vocational education has increased such that over two-thirds of students enrolled statewide receive some vocational instruction, the historical management and administration of federal vocational education funds has remained unchanged, and the responsibility of the K-12 sector. Pilot efforts and federal support in the development of articulated technical training programs between high schools and community colleges have demonstrated the need and efficacy of greater coordination between the two sectors.

Due to federal requirements and the lack of a statutorily designated state entity to receive federal vocational education funds, a "state board for vocational education" must be identified. The Joint Advisory Policy Council, composed of three members each from the State Board of Education and the Board of Governors, has historically provided the needed liaison and coordination of policy between K-12 and community college occupational education programs.

- If necessary, seek authorization to designate the Joint Advisory Policy Council as the "state board for vocational education."

The other primary mission of the colleges is the provision of transfer education. Recognizing the greater emphasis placed on this function, in light of enrollment shifts from the University of California and the California State University due to increased fees at those institutions, the Board advocates the need to:

- Strengthen transfer and articulation processes and seek more effective transfer guarantees to the University of California and the California State University.

Access

The imposition of a first time "differential" fee, for community college students who hold baccalaureate or higher degrees, has resulted in questions as to its consistency with the master plan requirement of open access to all and the community college concept of lifelong learning. In addition, the proposed implementation of the fee has led to the need for clarification in its administration. To address the first concern:

- The differential fee should be rescinded.

In the event that circumstances do not favor the removal of the fee:

- Additional exemptions to, or district-authorized waivers of, the fee should be sought for public service employees (including fire, police, health services), contracted education, and mandated continuing education courses.

The differential fee is required to be applied starting in January. Without regard to what other actions may take place, the following clarification of fee implementation issues should be sought:

- Exclude baccalaureate degree holders from dual payment of the differential fee and the enrollment fee;
- Establish a more appropriate definition of the "displaced homemaker," one of the currently authorized exemptions to the fee;
- Seek authorization so that 5 percent of the revenue from differential fees may be used to offset additional administrative costs;
- Identify baccalaureate degrees as only those degrees awarded by accredited institutions; and
- If a student is eligible for a Board of Governors Grant (BOGG), waive the differential fee.

Governance

Governance provisions for the system have been appropriately dealt with under reform legislation (AB 1725, Chapter 973, Statutes of 1988). However, reduced funding to the system and the potential of increased responsibilities require that the following principle be applied:

- A reduction should be sought in the total number of state mandates the system is required to address, and any new mandates to the system must be accompanied by appropriate resources or funding.

Fiscal Policy

Seeking adequate funding for the operation and facilities needs of the colleges remains a major priority for the system. The Board believes that the following policies relative to fiscal resources should be monitored:

- The historical division of Proposition 98 funds between the community colleges and K-12 should be maintained.
- Any fee revenue should be maintained within the system for its support and should be counted outside of the Proposition 98 guarantee; and, only fees collected from students for whom state support is provided should be reported for state purposes
- The system should continue to develop other options for capital outlay support while pursuing a proportionate share of state-allocated capital outlay funds

In order to establish and maintain a sound fiscal base, the following corrections and expansions should be sought:

- Community colleges should be exempted from the payment of state and local taxes.
- The property tax collection fee, resulting from the shift of revenue from cities and counties, should be rescinded.
- In the event that 1993-94 state and local tax support for the system is reduced below 1992-93 projected levels, the loan repayment for 1993-94 should be forgiven.
- Increased funding and expansion of eligibility should be sought for the Board of Governors Financial Aid Program (BFAP) and CAL Grants.
- Separate funding should be sought to support instructional equipment.
- The community college Field Act earthquake safety requirements should be modified to conform to those required for the University of California and the California State University.

- Adjust the "hold harmless" provisions and seek other mechanisms that mitigate the fiscal impact to districts resulting from enrollment declines.

Educational Quality

As noted earlier, growth remains a constant challenge for community colleges. The community colleges are projected to grow from a current enrollment of 1.5 million students to 2 million by the end of the decade. California's economy is in a recession projected to last through 1994, and any recovery following that time is likely to be extremely slow. Resources for community colleges will likely continue to be in short supply as the system grapples with these tremendous growth pressures. The impact of having to do more with less could seriously affect quality of instruction.

The Commission on Innovation, appointed by the Board of Governors, is scheduled to complete its work in late spring of 1993; its recommendations will be reviewed by the Board and the system, and will likely result in proposals that will have an impact on the ways in which the system is able to improve the quality of its operations.

Federal Initiatives

Many of the issues—such as student financial aid, amnesty funding, and Fair Labor Standards Act modification—identified in the 1992 legislative program, will need to be readdressed or clarified in the next Congress. Toward that end, the Board will:

- Seek technical amendments to Title 4 of the Higher Education Act to protect Pell grant eligibility for low-income community college students and to minimize the federal administrative burden on the colleges.
- Seek sufficient appropriations for the Pell grant program to fund the authorized maximum grant and to ensure that all eligible students receive the full award to which they are entitled.
- Pursue enactment of existing legislation to amend the Fair Labor Standards Act (FLSA) to avoid having to pay classified staff at a higher rate when they teach a class.
- Support efforts to increase the existing augmentation for bilingual vocational training that augments instruction in vocational education, basic skills, and English as a Second Language.
- Support legislation to redistribute defense-related funds for educational purposes.

In the areas of oversight by the Federal Department of Education, the following initiatives should be pursued:

- Monitor, in cooperation with other higher education interests, the development of any legislation concerning Department of Education oversight of accreditation and accountability.
- Support efforts to identify a community college staff specialist in the post-secondary education unit of the Department of Education.
- Pursue adjustments to Federal regulations or statutes, as appropriate, to assure a community college share of funding for facilities and equipment.